

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>ANTHONY HORNICEK, on behalf of</b>	)	
<b>Himself and all others similarly situated,</b>	)	
<b>683 Shropshire Drive</b>	)	
<b>West Chester, PA 19382</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION FILE NO.</b>
	)	<b>2:10-cv-03631-LP</b>
<b>CARDWORKS SERVICING, LLC</b>	)	
<b>255 West Station Square Drive</b>	)	
<b>Pittsburgh, PA 15219,</b>	)	
	)	
<b>Defendant.</b>	)	
<hr style="width: 40%; margin-left: 0;"/>	)	

**DEFENDANT’S RESPONSE**  
**TO PLAINTIFF’S MOTION TO STAY PROCEEDINGS, INCLUDING**  
**DEFENDANT’S MOTION TO COMPEL ARBITRATION**

COMES NOW, CardWorks Servicing, LLC (“CardWorks”), Defendant in the above-styled action, and files this Response to Plaintiff’s Motion to Stay Proceedings as set forth below:

CardWorks Servicing, LLC, does not object to Plaintiff’s Motion to Stay the Proceedings, including CardWorks’ pending Motion to Compel Arbitration; however, CardWorks *does not* agree that the pending case before the United States Supreme Court in the matter of *AT&T Mobility, LLV v. Vincent and Liza*

*Concepcion*, cert. granted at 130 S.Ct. 3322 (2010) (No. 09-0893), has any bearing on or relevance to the instant matter.

Respectfully submitted,

**MAURICE & NEEDLEMAN, P.C.**

*s/ JOANN NEEDLEMAN*

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JOANN NEEDLEMAN (74276)

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*Attorney for Defendant, CardWorks  
Servicing, LLC*

Date: November 16, 2010

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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ANTHONY HORNICEK, ON BEHALF  
OF HIMSELF AND OTHERS  
SIMILARLY SITUATED,

Plaintiff,

vs.

CARDWORKS SERVICING LLC,

Defendant.

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Hon. Louis Pollack  
Civil Action No.: 10-3631

**CERTIFICATE OF SERVICE**

I, JOANN NEEDLEMAN, ESQUIRE, hereby certify that on this date I have caused a true and correct copy of the foregoing response to Plaintiff's Motion for Stay of Proceedings to be served by regular, first class mail, postage pre-paid and electronic submission upon:

THEODORE E. LORENZ, ESQ.  
450 N. NARBERTH STREET  
NARBERTH, PA 19072

MAURICE & NEEDLEMAN, P.C.

*s/ JOANN NEEDLEMAN*

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JOANN NEEDLEMAN (74276)  
*Attorney for Defendant*

Date: November 16, 2010

